IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8880 of 2005

Between:

M. Thikkaiah, S/o. M. Ramudu,
R/o. D.No.12-1-883, Ashoknagar, Anantapur.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Anantapur Depot, Anantapur.
2 The Divisional Manager, APSRTC, Ananthapur Division, Ananthapur.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Mandamus or any other appropriate Writ, declaring the proceedings No.02/95(57)/2004 ATP dt. 23.6.2004 of the 1st respondent and proceedings No.PA/19(82)/2004 DVM-A dated 17.12.2004 of the second respondent as illegal, arbitrary, in violation of principles of natural justice and in violation of Articles 14 and 21 of the Constitution of India and consequentially direct the respondents to add one annual increment to the pay of the petitioner and pass such other or further order.

Counsel for the Petitioner:S.SURENDRA KUMAR

Counsel for the Respondent Nos.1 and 2: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following O R D E R:

The petitioner was appointed as Conductor in the respondent-Corporation. While so, the petitioner was issued a charge sheet dated 13.04.2004 alleging certain cash and ticket irregularities. He submitted his explanation. The first respondent by proceedings dated 23.06.2004 imposed the penalty of deferment of annual increment for a period of one year, which shall have effect on future increments of the petitioner. Against that order, the petitioner preferred an appeal to the second respondent and the same was rejected by order dated 17.12.2004. Hence this writ petition.

The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding any enquiry.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of deferment of annual increment for a period of one year, which shall not have the effect of postponing the future increments. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. But, however, he is entitled for increments on notional calculation. No order as to costs.

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(K.C.BHANU,J)

Dt:19th April, 2005

Usd

To

1 The Depot Manager, APSRTC, Anantapur Depot, Anantapur.
2 The Divisional Manager, APSRTC, Ananthapur Division, Ananthapur.

3 Two CD copies